

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY T. COLLINS,)
)
Plaintiff,)
)
v.) Civil Action No. 05-624-SLR
)
LINDA HUNTER, WARDEN RAPHAEL)
WILLIAMS, CORRECTIONAL)
MEDICAL SYSTEMS, and)
DR. DEROSIER,)
)
Defendants.)

ORDER

WHEREAS, plaintiff, Harry T. Collins, a prisoner incarcerated at the Howard R. Young Correctional Institution ("HRYCI"), filed his original complaint pursuant to 42 U.S.C. § 1983, on August 24, 2005 (D.I. 2);

WHEREAS, on January 6, 2006, the court issued a service order requiring the United States Marshal to serve the complaint upon receipt of USM-285 forms for defendants Linda Hunter ("Hunter"), Warden Raphael Williams, and Correctional Medical Systems ("CMS") (D.I. 13);

WHEREAS, the USM-285 form for CMS was returned unexecuted due to insufficient information, and the USM-285 form for Hunter was returned unexecuted as she is no longer at HRYCI (D.I. 15, 16);

WHEREAS, a new USM-285 form for CMS was received and forwarded to the United States Marshal for service on March 7, 2006, but to date CMS has not been served;

WHEREAS, on March 13, 2006, the court issued an order granting plaintiff's motion to amend the complaint and giving plaintiff thirty days from the date of the order to file an amended complaint (D.I. 22);

WHEREAS, the amended complaint was filed on April 7, 2006, and a service order was entered on June 7, 2006, requiring the United States Marshal to serve the amended complaint upon receipt of USM-285 forms for defendant Dr. Derosier and the attorney general for the State of Delaware (D.I. 26, 34);

WHEREAS, Dr. Derosier has yet to be served and, on July 10, 2006, plaintiff filed a new "motion for leave to file an amended complaint" which contains additional allegations against Dr. Derosier (D.I. 37);

THEREFORE, at Wilmington this 10~~th~~ day of July, 2006, IT IS ORDERED that:

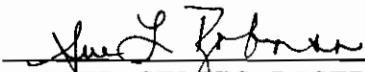
1. Plaintiff's "Motion for Leave to File an Amended Complaint" (D.I. 37) is GRANTED and the amended complaint against Dr. Derosier is filed instanter.

2. The clerk of the court shall cause a copy of this order to be mailed to plaintiff.

3. This order shall supplement the court's service order (D.I. 34) dated June 7, 2006.

4. The United States Marshal shall forthwith serve a copy of the complaint (D.I. 2), the three amended complaints (D.I. 6,

26, 37), the June 7, 2006, order (D.I. 34), this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon defendant(s) identified in plaintiff's 285 forms.



UNITED STATES DISTRICT JUDGE